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09/673,719	10/20/2000	Thomas Broquist	62101-TP	4085

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EXAMINER

PHAN, TAM T

ART UNIT	PAPER NUMBER
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2142

DATE MAILED: 07/30/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

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**Office Action Summary**

Application No.

09/673,719

Applicant(s)

BROQUIST ET AL.

Examiner

Tam (Jenny) Phan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 14 November 2002.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☒ Claim(s) 4-10, 13-21, 23-26 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 April 2000 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

***Priority***

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.
2. The effective filing date for the subject matter defined in the pending claims in this application is 04/03/2000.

***Drawings***

3. The drawings (Figures 1-3, 8) are objected to under 37 CFR 1.83(a) because they fail to show reference labels as described in the specification. Any structural detail and accurate labeling that are essential for a proper understanding of the disclosed invention should be shown in the drawing. MPEP § 608.02(d). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

***Specification***

4. The disclosure is objected to because of the following informalities:
  - a. Page 1 line 19 and line 21, "maximising" should read "maximizing" and "optimising" should read "optimizing"
  - b. Page 2 line 7, "subsidise" should read "subsidize"
  - c. Page 5 lines 12, "resent invention" should read "present invention"
  - d. Page 7 lines 7, "data base" should read "database"
  - e. Page 8 lines 3, "se figure 3" should read "see figure 3"

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- f. Page 8 lines 8, "optimise" should read "optimize"
  - g. Page 13 lines 9-10, "an actin" should read "an action"
5. It is also noted that the statement "We claim", "I claim", or "What is/are claim(s) is/are", etc. must be preceded prior to listing the claim(s). Appropriate correction is required:
6. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification. Referred to paragraphs 3 and 4 above for specific examples.

#### ***Claim Objections***

7. Claims 4, 7 and 9 are objected to because of the following informalities: Claim 4, "on e regional" should read "one regional". Claims 7 and 9, "to identity" should read "to identify". Appropriate correction is required.
8. Claims 4-10, 13-21, and 23-26 are objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim cannot depend from any other multiple dependent claims. See MPEP § 608.01(n). Accordingly, the claims have not been further treated on the merits.
9. Since claims 5, 14, 15, 17, and 18 are depended upon an improper dependent claim, they are also not treated further on the merits.

***Claim Rejections - 35 USC § 112***

10. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

11. Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

12. Claim 1 is generally narrative and indefinite, failing to conform with current U.S. practice. They are replete with grammatical and idiomatic errors. For instance "at least one storage device connected to said at least one control means, and a to said at least one control means connected cache mean" (lines 12-13). Such sentences made it difficult for the examiner to interpret the claimed invention.

***Claim Rejections - 35 USC § 102***

13. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

14. Claims 1 and 11 are rejected under 35 U.S.C. 102(e) as being anticipated by Skopp et al. (U.S. Patent Number 6,256,739), hereinafter referred to as Skopp.
15. Regarding claim 1, Skopp disclosed a system operable to identify and access information about a user of a distributed communication system in real time without the

users intervention, wherein the system comprises at least one service device operable to provide services to said user, at least one access device operable to provide access to said distributed communication system, characterized in that said system also comprises:

- a. A service device to provide service to user and an access device to provide access to said system (column 2 lines 19-23).
- b. A control means connected to said access device to service device and an access device is connected to an identification device to identify an address of a specific user (Figures 1B and 4).
- c. A storage device is connected to a control means. The control means is connected to a cache means operable to store mappings of user address and identification and a service device sends a request a user request to the control means, which checks to see if cache means contains a current user profile (Figure 1B).
- d. If user profile is up-to-date, fetch information from storage device and sends reply to the service device else sends an address request for real time identification to the access device and the access device identifies said address with the help of the identification device and sends user identification to the control means (column 6 lines 50-64 and column 8 lines 34-49).
- e. The control means fetches user information from the store device and send a reply to the service device (Figure 1B, column 6 lines 50-64).

16. Regarding claim 11, the method of claim 11 corresponds directly to the system in claim 1, and thus is rejected using the same rationale.

***Claim Rejections - 35 USC § 103***

17. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

18. Claims 2-10 and 12-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Skopp as applied to claims 1 and 11 above in view of Tran (U.S. Patent Number 6,505,238) and further in view of what would have been obvious to one of ordinary skill in the art at the time of the invention.

19. Skopp disclosed a system operable to identify and access information about a user of a distributed communication system characterized with all the limitations listed in claim 1 rejection above.

20. Regarding claims 2 and 3, Skopp did not disclose a distributed communication system characterized in that a) said system is divided into a number of geographical regions based on the distance between different geographical regions and b) said distance is measured by the delay between individual control means. However, in an analogous art, Tran disclosed a distributed communication system divided into two different geographical regions based on the distance between two cities (Figure 2). Therefore, it would have been obvious to one of the ordinary skill in the art at the time of

the invention was made to characterized the distributed communication system in that said system is divided into a number of geographical regions based on the distance between different geographical regions and said distance is measured by the delay between individual control means in order to minimize network delay and maximize connectivity speed because users only have to share access resources with users that are in the same geographic region and since users locate closer to their control means, network delay due to distances will also be reduced.

21. Regarding claim 4, Skopp did not disclose a system operable to identify and access information about a user of a distributed communication system characterized in that each geographical region comprises a central control means, a central storage device, and in that each geographical region can comprise at least one regional control means, at least on a regional storage device, and at least one access device. Tran disclosed a distributed communication system comprised a central control means, a central storage device, multiple regional control means, multiple regional devices, and multiple access devices (Figure 2, column 1 lines 29-34, lines 48-53). Therefore, it would have been obvious to one of the ordinary skill in the art at the time of the invention was made to characterized a distributed communication system to have central and regional control means, storage devices, and access device as mentioned in the claim limitations in order to efficiently allocate resources among geographical regions. Having regional control means will help to reduce network traffic because users only have to share access resources with users that are in the same geographic



region instead of sharing access resource with users across all geographic regions to access one central control means.

22. Regarding claim 5, Skopp further disclosed a system operable to identify and access information about a user of a distributed communication system characterized in that each geographical region also can comprise a supplier means operable to distribute information, and at least one attach means operable to attach additional information to identifications, wherein said supplier means is connected to said at least one access device and to said at least one attach means (Figure 1B).

23. Regarding claim 6, Skopp further disclosed a system operable to identify and access information about a user of a distributed communication system characterized in that each service device is connected to a first interface unit, which in turn is connected to said at least one control means, in that each control means is connected to a second interface unit, which in turn is connected to said at least one access device, and in that each control means also is connected to said at least one storage device (Figure 1B).

24. Regarding claim 7, Skopp further disclosed a system operable to identify and access information about a user of a distributed communication system characterized in that said distributed communication system is the Internet (Figure 1B, column 2 lines 1-4, 19-24).

25. Regarding claim 8, Skopp further disclosed a system operable to identify and access information about a user of a distributed communication system characterized in that each service device is an online service provider, each access device is an Internet

access provider, and each control means is a server (Figure 1B, column 2 lines 1-4, 19-24).

26. Regarding claim 9, Skopp further disclosed a system operable to identify and access information about a user of a distributed communication system characterized in that each supplier means is a first supplier server, and each attach means is a second supplier server (Figure 4, column 2, lines 1-4, lines 18-21).

27. Regarding claim 10, Skopp further disclosed a system operable to identify and access information about a user of a distributed communication system characterized in that said address of a user is an IP-address.

28. Regarding claims 12-26, the method of claims 12-26 correspond directly to the system in claims 1-10, and thus are rejected using the same rationale (refer to claims 1-10 rejection for details).

29. Regarding claim 27, Skopp implicitly disclosed a computer program product directly loadable into the internal memory of at least one digital computer comprising software code portions for performing the steps of claim 11 when said at least one product is/are run on said at least one computer (column 13, lines 54-58).

30. Since all the limitations of the claimed invention were disclosed by the combination of Skopp, Tran, and what would have been obvious to one of the ordinary skill in the art at the time of the invention was made, claims 2-10 and 12-27 are rejected.

***Conclusion***

31. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- a. Savage (U.S. Patent Number 6,442,687) disclosed a system and method for secure an anonymous communications over a network by imposing mechanisms that separate users' actions from their identity.
- b. Dancs et al. (U.S. Patent Number 6,385,651) disclosed a method for a relationship server to provide connection information to a network computer client device for an internet service provider.
- c. Ginzboorg et al. (U.S. Patent Number 6,240,091) disclosed a method for implementing an access service in a telecommunications network.
- d. Bunney (U.S. Patent Number 6,487,584) disclosed a method for a plurality of user terminals and a server to communicate in a network.
- e. Frailong et al. (U.S. Patent Number 6,012,100) disclosed a network interface device for connecting a client computer system to an external network.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tam (Jenny) Phan whose telephone number is (703) 305-4665. The examiner can normally be reached on M-F 9:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark Powell can be reached on 703-305-9703. The fax phone numbers for

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the organization where this application or proceeding is assigned are (703) 746-7239 for regular communications and (703) 746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

MARC THOMPSON

Marc Thompson  
Patent Examiner  
Art Unit 2142

703.308.6750

tp  
July 23, 2003